

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 07/01/24

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HONG DANIELLE ACCETTOLA,

Plaintiff,

-v-

LINDA MEI HE et al.,

Defendants.
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23-cv-1983 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Plaintiff has requested by letter dated June 28, 2024, Dkt. No. 52, that she be permitted to keep her prior *ex parte* letter, Dkt. No. 43, sealed or to file it publicly with redactions. The United States of America (the “Government”), has also filed a motion asking that Plaintiff’s letter at Docket Number 43 be permitted to remain under seal or be filed with redactions. Dkt. No. 50–51. Plaintiff joins in that request. Dkt. No. 52.

To determine whether the presumption of public access applies to a particular record, the Court applies the three-step inquiry enunciated in *Lugosch v. Pyramid Co.*, 435 F.3d 110, 119–120 (2d Cir. 2006). The Court asks: (1) whether the record at issue is a judicial document; (2) the weight of the presumption of access to that document; and the countervailing considerations that counsel against disclosure. *Mirlis v. Greer*, 952 F.3d 51, 59 (2d Cir. 2020).

The weight of the presumption of access to the letter is limited in light of Plaintiff’s request that the Court not consider it in connection with the pending motion for sanctions and request for a stay. Dkt. No. 45. In addition, the Government has asserted that disclosure of certain portions of the letter present “the danger of impairing law enforcement.” *Mirlis*, 952 F.3d at 59 (quoting *United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995)).

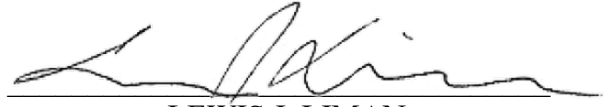
Accordingly, Plaintiff is hereby directed to file the letter at Docket Number 43 on the public docket by July 3, 2024 with the following redactions that are supported by *Lugosch*:

The first 7 words of the second line of the third paragraph on Page 1;
The parenthetical in the third line of the fourth paragraph on Page 1;
The last sentence of the second full paragraph on Page 2;
The second to last sentence in the third full paragraph on Page 2;
The third to last sentence in the fourth full paragraph on Page 2.

The exhibits to Docket Number 43 may remain under seal.

SO ORDERED.

Dated: July 1, 2024
New York, New York


LEWIS J. LIMAN
United States District Judge